

**Arlington Redevelopment Board  
September 8, 2014 Minutes  
Town Hall Annex, Second Floor Conference Room, Town Hall – 7:00pm**

**Approved: September 22, 2014**

**PRESENT: Christine Scypinski, Chair, Andrew Bunnell, Mike Cayer, Bruce Fitzsimmons, Andy West**

**ABSENT:**

**STAFF: Carol Kowalski**

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**Documents Used:**

EDR Application for Caragina Realty, date stamped August 13, 2014

Brigham Square Traffic Mitigation Escrow Account Memo written by Laura Wiener, dated September 4, 2014

Draft Sign Criteria for Administrative Review

The Chairman called the meeting to order at 7:00pm. Ms. Scypinski introduced the agenda, explaining that 990 Massachusetts Avenue withdrew their application. At 7:03pm the hearing for 1098 Massachusetts Avenue for Caragina Realty Trust was opened.

Rob Cerundolo introduced himself to the Board and explained that the hearing came about due to the request of Verizon to locate wireless equipment on the building. He explained that he no longer has six tenants in the building, but only one, which is a karate studio. Greater Boston Motor Sports now occupies the entire building. Mr. Cerundolo stated that he met with Mike Byrne, Director of Inspectional Services, to calculate a required thirteen parking spaces for 1098 Mass. Ave. There is another tenant, Arlington Tire, who has had the same parking they've always had. Mr. Cerundolo amended the plan by saying the area in the rear would not be landscaped, but only soil would be used because plants can't survive in the dense shade. Mr. Cerundolo added that they have a ninety day peak season, and therefore will be careful with parking on Mass. Ave.

Mr. Fitzsimmons asked about the music studio. Mr. Cerundolo replied it is his brother-in-law's space used for teaching, and he has been informed that he can be open until 10:00pm, if the space is sound proofed. This space is on the top floor, and is a non-paying tenant.

Mr. Fitzsimmons pointed out that the original special permit called for the space between buildings for parking. Mr. Cerundolo stated that as the business has grown the tenants left and Greater Boston Motor Sports took over. Greater Boston Motor Sports keeps the front looking neat and has motorcycles on display along with those awaiting repair or pickup.

Mr. Fitzsimmons stated that spaces one and two are occupied by a plow. Mr. Cerundolo stated that the plow is there a lot. Ms. Scypinski stated that the plow was there today.

Mr. Fitzsimmons asked if it would be obvious to customers that those spaces are available for customer parking, for instance would there be signage? Mr. Cerundolo stated that he did mark the spaces, and that he would make those spaces customer parking only.

Mr. Fitzsimmons asked about the canopy structure. Mr. Cerundolo stated it was aircraft quality, and holds overflow parking of motorcycles for sale. It is used as a buffer, both for a visual block and a noise block. Mr. Fitzsimmons stated that he doesn't recall this being permitted. Mr. Cerundolo said he would have to check.

Mr. Cayer pointed out that the plan is three spaces short of the required parking. Mr. Cerundolo stated that Mr. Byrne calculated the reduction from thirteen spaces to ten spaces. Mr. Cayer stated that his concern was that between the plow, and the motorcycles often used by employees, everything the Board is hearing tonight sounds like ten spaces is not enough. Mr.

Cerundolo said they can free up those spaces and employees will park on the street.

Mr. Cayer stated that this is the third time the Board has talked about 1098 Mass. Ave. and parking is always the issue. Mr. Cerundolo stated that the truck can be moved completely, along with spaces nine and ten being kept open. He continued to say that the big difference is Greater Boston Motor Sports has no tenants except for the karate studio which doesn't need parking, and he can make those spaces clearly marked for customers.

Mr. Cayer asked about the merchandise scooter parked on the sidewalk. Mr. Cerundolo stated it was on a concrete pad for old bike parking. Mr. Cayer questioned the appearance of the canopy, pointing out that it is moldy. Ms. Kowalski commented that the canopy was not found in the previous special permits on file.

Mr. Cayer stated that he wants the business to thrive but he is concerned about all of the issues being discussed. Mr. Cerundolo stated that Arlington Tire has a lease, and come January they are expecting that the tenants will not renew. Mr. Cerundolo stated that Greater Boston Motor Sports needs more space and are hoping to move into the Arlington Tire Space for storage, which could also alleviate parking.

Mr. Cayer asked why the canvas was necessary. Mr. Cerundolo said it was necessary to keep everything packaged, buffered, and less obtrusive to the neighbors. Mr. Cerundolo added that if he can move into Arlington Tire's space he won't need it anymore, but it's functional.

Mr. Bunnell stated that he was concerned with the consistent use of Mass. Ave. for parking of motorcycles. Mr. Cerundolo stated that they stage motorcycles. Mr. Bunnell said it is motorcycles, jet skis, and unhitched trailers on Mass. Ave. Ms. Scypinski reiterated the parking of trailers and motorcycles parking on Mass. Ave. as well. Mr. Cerundolo said they would make a loading area in the driveway when Arlington Tire is no longer occupying the space and that the trucks and trailers could be customer vehicles. Ms. Scypinski commented that Greater Boston Motor Sports have insignia on the doors of both vehicles that were parked today. Mr. Bunnell mentioned that neighbors have stated the employees park on and block Quincy Street, Higgins Street, and others.

There have been a lot of complaints of noise, more like band practice, coming from the studio, and it is not clear what part of it is sound proofed. Mr. Cerundolo said it was entirely sound proofed but if the noise is an issue, he'll give a final warning.

Mr. West questioned whether between the karate studio, Greater Boston Motor Sports, the second floor occupant, and Arlington Tire, all these occupants are only in need of ten parking spaces. Mr. West stated that the karate studio would need parking too.

Mr. Cerundolo stated that Mr. Byrne calculated that thirteen parking spaces would be required. Mr. Cayer clarified that twenty-one spaces are supposed to be on the site for previous tenants.

Mr. West stated that items need to be removed from the sidewalk and the buffer area with the pad. The idea of a gate is good, because it establishes a sidewalk line; that has to be a condition. Custom motorcycle spaces need to be inside the lot, bike parking needs to be re-established since it is required, and the plow needs to be removed. Mr. Cerundolo agreed.

Mr. Fitzsimmons asked how many employees arrive by motorcycle. Mr. Cerundolo said 50%, which is about six to eight, and they park in and around the neighborhood. Mr. Fitzsimmons asked that the front of the driveway be designated motorcycle parking for customers and employees.

Mr. West stated that the dumpster needs to be screened, and that the canopy is not permitted. Ms. Scypinski pointed out it's in violation of the rear setback, and that she was concerned about

space nine and ten also being within setbacks.

The Board opened the floor for public comment.

Brenda Hibbard, 17 Higgins Street, directly abuts Greater Boston Motor Sports. She stated the music is so loud she can't sleep. She continued to say there were tires in the back that abut their fence, and the street parking on Higgins Street makes it so that residents can't get down the road. She stated that most employees are good people and she appreciates that they clear the sidewalks, but there feels like a general disregard later in the evening with the motorcycle noise.

Nancy Savioli, 24 Higgins Street, said that she has lived here for 37 years and each year the parking has gotten worse because of Greater Boston Motor Sports and Arlington Tire on Robbins Street, Higgins Street, and Quincy Street. On one occasion an employee left his car on the street for over a week, and at other times emergency vehicles have been unable to get down the street. The public streets are treated like a parking lot for Greater Boston Motor Sports' employees, and the only break is on Sundays when the business is closed.

Norman Magnuson, 12 Higgins Street, reiterated that employee vehicles, Greater Boston Motor Sports trucks and empty trailers are constantly on Higgins Street. Employees are loading motorcycles on the street and parking on corners, and that numerous times the police have been called. The police and plows can't even get up Quincy Street. The revving of the motorcycles is constant and disturbs the peace. There is also test driving of motorcycles up Robbins Road, and the vehicles are being driven much faster than the speed limit.

Diane Magnuson, 12 Higgins Street, stated that motorcycles are raced up and down the street, at 7:00pm trailers fly down the street, and trucks and trailers are constantly parked on Higgins Street. She stated that one day her daughter parked on Higgins Street where the employees park and found coffee was poured on her car. Customers of the karate studio park on these streets so they do need parking. Ms. Magnuson also reiterated that the employees park on the sidewalk as well.

Mr. Magnuson stated that if Greater Boston Motor Sports took over Arlington Tire, they should do their motorcycle maintenance there so that the revving of the motorcycles would be indoors.

Ed Carney, 26 Higgins Street, said that he has lived here for twenty years and that we are witnessing four places that need parking: Greater Boston Motor Sports, the karate studio, the entire left side of Quincy Street, and Jimmy's. Mr. Carney stated that vehicles are parking on the wheelchair ramp on the corner, and there is also a tool truck supplier parked there all the time. Over the past five or six years, the parking has doubled.

Andrew Koppel, who lives in the Cutter School, stated that the revving is intrusive, the disregard to parking rules, and having trucks parking in no parking zones and too close to corners on lower Robbins Road are issues. Mr. Koppel recommends having a hand-out on consideration for neighbors on parking and the rules for both employees and customers.

Ms. Magnuson pointed out of the danger of coming down Robbins Road; when trucks are parked too close to the corner drivers are unable to see around the corner.

The Board asked if there were any other public comments. There were none. Mr. Cerundolo said that he appreciates the comments and should be able to immediately address 80% if not all of them.

Ms. Scypinski commented that the Board was hearing a lot of concerns regarding parking, and she would like to get more information from Mr. Byrne on why thirteen spaces is sufficient and why it could be reduced to ten.

Mr. Cayer asked Mr. Cerundolo where the loading trucks park at night. Mr. Cerundolo stated they park in the center of their parking lot at night, and the motorcycles get moved.

Ms. Scypinski asked for some of these issues to be addressed, such as the gate, canopy, and designating signage. Mr. Fitzsimmons recommended that a 'to scale' plan be presented to see the size of parking spaces. He stated that he would also like to see the loading area for vehicles changed so that it was no longer on Mass. Ave., and requested that Mr. Cerundolo returned with a concrete proposal, based on current conditions, not what might happen with Arlington Tire.

Mr. Cerundolo requested a continuance of the hearing, stating that this is all hindering the Verizon antenna, and they've waited a long time.

Mr. Cayer commented that the fact that it has gone on so long makes it hard not to wonder if Greater Boston Motor Sports would be here if Verizon wasn't here to add an antenna. There is no room for parking the Verizon maintenance vehicles at this location to perform their work. The parking issues and the noncompliance issues need to be resolved in order to move forward with progress with Verizon.

Mr. Fitzsimmons moved to continue the hearing on September 22, 2014 at 7:30pm. Mr. West seconded. All voted in favor.

The Board turned to the escrow close out of 30-50 Mill Street. Laura Wiener, Assistant Director of the Planning and Community Development Department presented that the requirements to release \$15,000 escrow to the DPW have been met and they would like to release the funds.

Ms. Wiener explained that part of this escrow release goes towards the traffic mitigation, while the remaining funds will be released in order to be put towards water mitigation. The DPW has an agreement with Wood Partners, the developer, to replace a water valve. The mitigation escrow agreement does not cover these repairs, but there is a written statement from the developer requesting that the rest of the funds be released to the DPW as well to partially offset these repairs.

Mr. Fitzsimmons asked if Wayne Chouinard was confident that the traffic mitigation costs are fully completed. Ms. Wiener confirmed that traffic mitigation is finished.

Mr. West asked for confirmation that the remaining escrow funds originally reserved for traffic mitigation are allowed to be used for water mitigation. Ms. Wiener confirmed; Ms. Wiener has a memo from the developer approving that the remaining funds go back to the Town for water mitigation. The developer will then cover the difference for the water mitigation.

Ms. Scypinski asked for confirmation that the solar panel was working. Ms. Wiener replied she believed it to be working.

Mr. Fitzsimmons moved that in keeping with the mitigation escrow agreement plan of March 18, 2013 the ARB hereby approve the full amount in the mitigation escrow account, namely \$15,040.00 as of September 8, 2014 to the Arlington Department of Public Works, and that this would now close the escrow account. Mr. West seconded. All voted in favor.

The Board then re-opened the continued special permit hearing for 1098 Mass. Ave., for Verizon. Daniel Klasnick, attorney for Verizon, introduced himself. He stated that two existing providers, T-Mobile and Sprint, have operating facilities there now. There seems to be no concern with the Verizon Wireless install, or the presence of a Verizon Wireless technician making a service visit, since they do not require parking. The Town has enforcement mechanisms that could be used to bring the site special permit violations into compliance.

Ms. Scypinski asked how long a service visit lasts. Mr. Klasnick replied about one (1) hour. Typically it is one person with a laptop in a car that can park on the street.

Ms. Scypinski stated that Verizon's application was very complete, and it is unfortunate that this particular location happens to have numerous violations.

Mr. Fitzsimmons thanked Mr. Klasnick for bringing Mr. Cerundolo in, adding that Town enforcement mechanisms have not been effective. The underlying property has been in violation almost since the beginning. Verizon Wireless' special permit builds and rests on the underlying special permit of the property, and the continuing and substantial violations of the underlying special permit could lead to its eventual revocation. Mr. Fitzsimmons stated that the Board may only be two weeks away from a solution, if the underlying violations are cured.

Mr. Cayer agreed that the Board needs to see what happens in two weeks. Mr. Bunnell agreed with colleagues. Mr. West had not yet received recordings of meetings, and therefore cannot act. Ms. Scypinski agreed that the underlying issues need to be resolved before a decision can be made.

Mr. Klasnick requested a continuance of 1098 Massachusetts Avenue for Verizon to be continued to September 22, 2014. Mr. Fitzsimmons moved to continue to September 22, 2014 at 8:30pm. Mr. Cayer seconded. All voted in favor.

The Board discussed fines and Town enforcement on zoning violations at properties such as 1098 Mass. Ave. Mr. Cayer asked if Mr. Byrne has a plan for enforcement, specifically how he would proceed with enforcement, and what steps he would take in order to keep Mr. Cerundolo interested in meeting the needs to the Town.

Ms. Kowalski stated that the Board does have the right to revoke the previously issued special permit. If the permits were to be revoked, the owner would not have the right to use the property as it is currently being used.

Ms. Scypinski pointed to Mr. Byrne's June 27, 2014 letter where he outlined fines and actions that could be taken. Criminal actions would need Board of Selectmen's approval.

The Board moved to the item of the Central School update. Ms. Kowalski summarized to the Board that the Council on Aging has expressed the need for more space. Town members met with the Arlington Seniors Association recently to communicate that some of the space the ASA occupies will be repurposed for the COA's needs. There will also be an RFP issued for the space currently occupied by Mystic River Watershed Association at Central School. There are also onsite improvements, such as pavement repair, that needs to be put up for bid. At 23 Maple Street, an RFP is being prepared for a lease to be negotiated and executed. These items will be on the next agenda for consideration.

The Board moved on to the item of sign review. Ms. Kowalski proposed criteria that must be met in order for sign applications to be approved administratively. Sign applications that meet these criteria could be handled by staff administratively, rather than going through the hearing process of a special permit.

Mr. West recommended that one statement be included to express that any application could be directed to the Board at the Director's discretion.

The Board discussed enforcing a \$200.00 fee for Environmental Design Review Applications, and applications that could be approved through administrative review.

Mr. Cayer moved to approve the administrative review approval process for sign review applications, as amended, including the fee structure. Mr. Fitzsimmons seconded. All voted in favor.

Mr. Fitzsimmons moved to approve the minutes of July 21, 2014 as amended. Mr. Bunnell seconded. All voted in favor.

The meeting was adjourned at 9:38pm.